

**REGULAR MEETING
FEBRUARY 15, 2007**

The Ashland Board of Commissioners met in Regular Session in the Commissioners' Chambers, City Building, Ashland, Kentucky, on Thursday, February 15, 2007, at the hour of 7:00 PM. Those present were Commissioners: Larry Brown, Kevin Gunderson, Paula Hogsten, Cheryl Spriggs and Mayor Stephen E. Gilmore, who presided. Also present were: Randy Robertson, City Manager; Richard W. Martin, Corporation Counsel; Deborah Musser, City Clerk; David Sloan, Fire Chief; Robert W. Ratliff, Acting Chief of Police; Greg Rice, Director of Planning and Community Development; Steve Corbitt, Director of Public Services; Tony Grubb, Finance Director; Sean Murray, Parks/Recreation Director; Marion Russell, Deputy Director of Public Services; and Reporters.

The invocation was given by Commissioner Gunderson.

The Pledge of Allegiance was conducted.

AGENDA

City Manager Robertson presented the agenda of February 15, 2007. Motion was made by Brown, seconded by Gunderson, to receive & file the agenda. Upon roll call, voting aye were Commissioners Brown, Gunderson, Hogsten, Spriggs and Mayor Gilmore. Nay - none. Motion passed.

MINUTES

Motion was made by Spriggs, seconded by Hogsten, to dispense with reading and approve the minutes of the Recessed Meeting held on January 11, 2007, the Regular Meeting held on January 18, 2007, the Recessed Meeting held on January 23, 2007 and the Regular Meeting held on February 1, 2007. Upon roll call, voting aye were Commissioners Brown, Gunderson, Hogsten, Spriggs and Mayor Gilmore. Nay – none. Motion passed.

HEARINGS AND REPORTS

City Manager's Report – City Manager Robertson reported a certificate of authenticity had been received concerning a flag that had flown over Camp Beraq on December 10, 2006. He also reported that approval of tuition assistance forms had been granted for a total of 51 credit hours.

Eric Mills, Connect Kentucky, gave a presentation on the City's technology assessment report as a result of a study conducted. Also present was David Hurst, Northern Kentucky University. The objective of the study is to get the information technology information for the City to a steady and supportable state.

Mayor and City Commissioners' Comments - Commissioner Hogsten reported on the recessed meeting held earlier in the evening on code enforcement initiatives to make the structures in the City safer. She also recognized the donation to Hope's Place as a result of Wynonna Judd's participation on Wheel of Fortune. Commissioner Hogsten wished her husband, Mike, and Commissioner Gunderson a Happy Birthday.

Commissioner Brown recognized the hard work performed by City employees to keep the streets clear during the inclement weather.

Commissioner Gunderson announced the loss of Randy Bowling, a former Police Sergeant, this past weekend. He reported on his attendance at Hatcher Elementary School last Friday for the Random Acts of Kindness activity. Commissioner Gunderson stated the school had recognized Bill Layman for his 42 years of service in the Solid Waste Division.

REGULAR MEETING FEBRUARY 15, 2007
HEARINGS AND REPORTS CONTINUED

Mayor Gilmore announced the City had received the designation of Tree City USA. He also reported on the drilling projects being completed on the riverfront.

PUBLIC PARTICIPATION

Robert Gross, 3152 Central Avenue, complimented staff on the ice and snow removal.

Acting Chief Ratliff discussed traffic concerns at the corner of 31st Street and Montgomery Avenue. Richard Clifton, WTSF Daystar TV, expressed his request for the City to make 31st Street two-way to accommodate large buses going to the station. The Commission agreed to go look at the situation.

OLD BUSINESS

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 6, 2007

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE A CONTRACT WITH BRENNTAG MID-SOUTH, INC. FOR THE PURCHASE OF SULFUR DIOXIDE, SODIUM HYPOCHLORITE, POTASSIUM PERMANGANATE AND POWDERED ACTIVATED CARBON AT THE UNIT PRICES SPECIFIED IN THEIR BID FOR THE DEPARTMENT OF PUBLIC SERVICES, DIVISIONS OF WATER PRODUCTION AND WASTEWATER TREATMENT.

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BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Stephen E. Gilmore, Mayor, be and he is hereby authorized and directed to execute a contract between the City of Ashland, Kentucky and Brenntag Mid-South, Inc., 319 1st Street North, St. Albans, WV, for the purchase of sulfur dioxide, sodium hypochlorite, potassium permanganate and powdered activated carbon in accordance with the bid of the company in an amount not to exceed those set forth in the attached contract. A copy of said contract is attached hereto and made a part hereof by reference.

SECTION 2. All ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 4. It is hereby authorized that publication of this ordinance be in summary form.

/s/STEPHEN E. GILMORE
MAYOR

ATTEST:

/s/DEBORAH MUSSER
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS:
READOPTED BY THE BOARD OF COMMISSIONERS:
PUBLISHED:

February 1, 2007
February 15, 2007

REGULAR MEETING FEBRUARY 15, 2007
ORDINANCE NO. 6, 2007 CONTINUED

MOTION

Motion was made by Gunderson, seconded by Brown, to adopt Ordinance No. 6, 2007, at this its second reading. Upon roll call, voting aye were Commissioners Brown, Gunderson, Hogsten, Spriggs and Mayor Gilmore. Nay – none. Motion passed.

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 7, 2007

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE A CONTRACT WITH CHEMICAL RESOURCES FOR THE PURCHASE OF HYDROFLUOSILICIC ACID AT THE UNIT PRICES SPECIFIED IN THEIR BID FOR THE DEPARTMENT OF PUBLIC SERVICES, DIVISIONS OF WASTEWATER TREATMENT AND WATER PRODUCTION.

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BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Stephen E. Gilmore, Mayor, be and he is hereby authorized and directed to execute a contract between the City of Ashland, Kentucky and Chemical Resources, 4569 Knopp Avenue, Louisville, Kentucky, for the purchase of hydrofluosilicic acid in accordance with the bid of the company in an amount not to exceed those set forth in the attached contract. A copy of said contract is attached hereto and made a part hereof by reference.

SECTION 2. All ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 4. It is hereby authorized that publication of this ordinance be in summary form.

/s/STEPHEN E. GILMORE
MAYOR

ATTEST:

/s/DEBORAH MUSSER
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS:	February 1, 2007
READOPTED BY THE BOARD OF COMMISSIONERS:	February 15, 2007
PUBLISHED:	

MOTION

Motion was made by Spriggs, seconded by Gunderson, to adopt Ordinance No. 7, 2007, at this its second reading. Upon roll call, voting aye were Commissioners Brown, Gunderson, Hogsten, Spriggs and Mayor Gilmore. Nay – none. Motion passed.

REGULAR MEETING FEBRUARY 15, 2007
ORDINANCE NO. 8, 2007

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 8, 2007

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE A CONTRACT WITH C. I. THORNBURG CO., INC. FOR THE PURCHASE OF LIQUID CHLORINE OR SAND AT THE UNIT PRICES SPECIFIED IN THEIR BID FOR THE DEPARTMENT OF PUBLIC SERVICES, DIVISIONS OF WASTEWATER TREATMENT AND WATER PRODUCTION.

* * * * *

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Stephen E. Gilmore, Mayor, be and he is hereby authorized and directed to execute a contract between the City of Ashland, Kentucky and C. I. Thornburg Co., Inc., 4034 Altizer Avenue, Huntington, WV, for the purchase of liquid chlorine or sand in accordance with the bid of the company in an amount not to exceed those set forth in the attached contract. A copy of said contract is attached hereto and made a part hereof by reference.

SECTION 2. All ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 4. It is hereby authorized that publication of this ordinance be in summary form.

/s/STEPHEN E. GILMORE
MAYOR

ATTEST:

/s/DEBORAH MUSSER
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS:	February 1, 2007
READOPTED BY THE BOARD OF COMMISSIONERS:	February 15, 2007
PUBLISHED:	

MOTION

Motion was made by Brown, seconded by Hogsten, to adopt Ordinance No. 8, 2007, at this its second reading. Upon roll call, voting aye were Commissioners Brown, Gunderson, Hogsten, Spriggs and Mayor Gilmore. Nay – none. Motion passed.

REGULAR MEETING FEBRUARY 15, 2007
ORDINANCE NO. 9, 2007 CONTINUED

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 9, 2007

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE A CONTRACT WITH K. A. STEEL FOR THE PURCHASE OF LIQUID CAUSTIC SODA AT THE UNIT PRICES SPECIFIED IN THEIR BID FOR THE DEPARTMENT OF PUBLIC SERVICES, DIVISIONS OF WASTEWATER TREATMENT AND WATER PRODUCTION.

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BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Stephen E. Gilmore, Mayor, be and he is hereby authorized and directed to execute a contract between the City of Ashland, Kentucky and K. A. Steel, 15185 Main Street, Lemont, IL, for the purchase of liquid caustic soda in accordance with the bid of the company in an amount not to exceed those set forth in the attached contract. A copy of said contract is attached hereto and made a part hereof by reference.

SECTION 2. All ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 4. It is hereby authorized that publication of this ordinance be in summary form.

/s/STEPHEN E. GILMORE
MAYOR

ATTEST:

/s/DEBORAH MUSSER
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS:	February 1, 2007
READOPTED BY THE BOARD OF COMMISSIONERS:	February 15, 2007
PUBLISHED:	

MOTION

Motion was made by Hogsten, seconded by Spriggs, to adopt Ordinance No. 9, 2007, at this its second reading. Upon roll call, voting aye were Commissioners Brown, Gunderson, Hogsten, Spriggs and Mayor Gilmore. Nay – none. Motion passed.

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 10, 2007

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING STEPHEN E. GILMORE, MAYOR, TO EXECUTE A CONTRACT BETWEEN THE CITY OF ASHLAND AND MORTON SALT FOR THE PURCHASE OF SALT FOR THE DEPARTMENT OF PUBLIC SERVICES, DIVISIONS OF WATER PRODUCTION AND WASTEWATER TREATMENT.

REGULAR MEETING FEBRUARY 15, 2007
ORDINANCE NO. 10, 2007 CONTINUED

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BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Stephen E. Gilmore, Mayor, be and he is hereby authorized and directed to execute a contract between the City of Ashland, Kentucky, and Morton Salt for the purchase of salt in accordance with the bid of the company in an amount not to exceed those set forth in the attached contract. A copy of said contract is attached hereto and made a part hereof by reference.

SECTION 2. All ordinances of the City of Ashland and any parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 4. It is hereby authorized that publication of this ordinance be in summary form.

/s/STEPHEN E. GILMORE
MAYOR

ATTEST:

/s/DEBORAH MUSSER
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS:	February 1, 2007
READOPTED BY THE BOARD OF COMMISSIONERS:	February 15, 2007
PUBLISHED:	

MOTION

Motion was made by Gunderson, seconded by Brown, to adopt Ordinance No. 10, 2007, at this its second reading. Upon roll call, voting aye were Commissioners Brown, Gunderson, Hogsten, Spriggs and Mayor Gilmore. Nay – none. Motion passed.

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 11, 2007

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE AN ANNUAL LETTER OF COMMITMENT FOR THE RENAISSANCE ON MAIN/MAIN STREET PROGRAM.

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BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Stephen E. Gilmore, Mayor of the City of Ashland, Kentucky, is hereby authorized and directed to execute an annual letter of commitment for the Renaissance on Main/Main Street Program for the period January 1, 2007 through December 31, 2007. A true copy of said letter of commitment is attached hereto and made a part hereof by reference.

SECTION 2. All ordinances and parts of ordinances in conflict herewith, to the extent of such conflicts only, are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 4. It is hereby authorized that publication of this ordinance be in summary form.

REGULAR MEETING FEBRUARY 15, 2007
ORDINANCE NO. 11, 2007 CONTINUED

/s/STEPHEN E. GILMORE
MAYOR

ATTEST:

/s/DEBORAH MUSSER
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: February 1, 2007
READOPTED BY THE BOARD OF COMMISSIONERS: February 15, 2007
PUBLISHED:

MOTION

Motion was made by Spriggs, seconded by Hogsten, to adopt Ordinance No. 11, 2007, at this its second reading. Upon roll call, voting aye were Commissioners Brown, Gunderson, Hogsten, Spriggs and Mayor Gilmore. Nay – none. Motion passed.

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 12, 2007

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AMENDING THE ZONING MAP OF THE OFFICIAL ZONING ORDINANCE OF THE CITY OF ASHLAND NO. 101, SERIES OF 1986, AS PREVIOUSLY AMENDED, BY CHANGING THE ZONING CLASSIFICATION OF PROPERTY LOCATED ALONG THE U.S. 23 CONNECTOR NEAR 35TH STREET AND U.S. 23 (WINCHESTER AVENUE) FROM I-2 HEAVY INDUSTRIAL TO B-2 GENERAL BUSINESS.

* * * * *

WHEREAS, a request has been received from Jack T. Marushi for the rezoning of property located along the U.S. 23 Connector near 35th Street and U.S. 23 (Winchester Avenue) from I-2 (Heavy Industrial) to B-2 (General Business), and

WHEREAS, the Ashland Planning Commission held a duly advertised and conducted public hearing on said application on November 21, 2006; and on the basis of evidence presented thereat made certain factual determinations and concluded therefrom that the proposed change is in conformance with the adopted Comprehensive Plan; and made a recommendation to the Ashland City Commission that said application be approved as requested;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. On the basis of the aforementioned factual determinations and recommendation by the Ashland Planning Commission with further review of such facts of the Ashland Board of City Commissioners, and pursuant to KRS Chapter 100, that the official Zoning Ordinance of the City of Ashland, No. 101, series of 1986 and the official Zoning Map which is a part thereof, be hereby amended as follows:

The zoning classification of property located along the U.S. 23 Connector near 35th Street and U.S. 23 (Winchester Avenue) is hereby changed from I-2 (Heavy Industrial) to B-2 (General Business).

SECTION 2. The invalidity of any provision of this Ordinance shall not affect the validity of any other provision.

SECTION 3. All ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

REGULAR MEETING FEBRUARY 15, 2007
ORDINANCE NO. 12, 2007 CONTINUED

SECTION 4. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 5. It is hereby authorized that publication of this ordinance be in summary form.

/s/STEPHEN E. GILMORE
MAYOR

ATTEST:

/s/DEBORAH MUSSER
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: February 1, 2007
READOPTED BY THE BOARD OF COMMISSIONERS: February 15, 2007
PUBLISHED:

MOTION

Motion was made by Brown, seconded by Spriggs, to adopt Ordinance No. 12, 2007, at this its second reading. Upon roll call, voting aye were Commissioners Brown, Gunderson, Hogsten, Spriggs and Mayor Gilmore. Nay – none. Motion passed.

CONSENT AGENDA

RESOLUTION NO. 4, 2007

A RESOLUTION OF THE CITY OF ASHLAND, KENTUCKY, ADOPTING, AUTHORIZING AND APPROVING THE COURSE OF ACTION RECOMMENDED BY THE CITY MANAGER ON THE ITEMS APPEARING ON THE CONSENT AGENDA FOR THE REGULAR MEETING OF THE BOARD OF CITY COMMISSIONERS OF **FEBRUARY 15, 2007**.

* * * * *

BE IT RESOLVED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. The Board of City Commissioners hereby adopts, authorizes and approves the action recommended by the City Manager on each item appearing on the “Consent Agenda” for the meeting of **February 15, 2007**. Attached hereto and incorporated herein, as if set out in full, is a copy of the “Consent Agenda” hereby adopted, authorized and approved.

SECTION 2. This resolution shall be in full force and effect from and after its adoption, as required by law.

/s/STEPHEN E. GILMORE
MAYOR

ATTEST:

/s/DEBORAH MUSSER
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: February 15, 2007

MOTION

Motion was made by Gunderson, seconded by Spriggs, to adopt Resolution No. 4, 2007. Upon roll call, voting aye were Commissioners Brown, Gunderson, Hogsten, Spriggs and Mayor Gilmore. Nay – none. Motion passed.

REGULAR MEETING FEBRUARY 15, 2007
NEW BUSINESS
FIRST READING & ADOPTION ONLY

ORDINANCE NO. _____, 2007

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AMENDING ORDINANCE NO. 81, SERIES OF 2005, WHICH ESTABLISHED SEWER RATES, TAP FEES, INSTALLATION CHARGES, SERVICE CHARGES, INDUSTRIAL PRETREATMENT CHARGES, PENALTIES, AND INTEREST.

MOTION

Motion was made by Spriggs, seconded by Gunderson, to adopt Ordinance No. _____, 2007, at this its first reading. Upon roll call, voting aye were Commissioners Brown, Gunderson, Hogsten, Spriggs and Mayor Gilmore. Nay - none. Motion passed.

FIRST READING & ADOPTION ONLY

ORDINANCE NO. _____, 2007

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AMENDING ORDINANCE NO. 169, SERIES OF 1995, AS PREVIOUSLY AMENDED, COMMONLY REFERRED TO AS THE STOP SIGN ORDINANCE, REGARDING PLACEMENT OF A STOP SIGN ON THE NORTHWEST CORNER OF 8TH STREET AT ITS INTERSECTION WITH OLD GREENUP AVENUE.

MOTION

Motion was made by Brown, seconded by Spriggs, to adopt Ordinance No. _____, 2007, at this its first reading. Upon roll call, voting aye were Commissioners Brown, Gunderson, Hogsten, Spriggs and Mayor Gilmore. Nay - none. Motion passed.

FIRST READING & ADOPTION ONLY

ORDINANCE NO. _____, 2007

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AMENDING SECTION 2 OF ORDINANCE NO. 84, SERIES OF 2006, WHICH IS COMMONLY KNOWN AND REFERRED TO AS THE "BUDGET ORDINANCE" OF THE CITY OF ASHLAND.

MOTION

Motion was made by Brown, seconded by Spriggs, to adopt Ordinance No. _____, 2007, at this its first reading. Upon roll call, voting aye were Commissioners Brown, Gunderson, Hogsten, Spriggs and Mayor Gilmore. Nay - none. Motion passed.

DISCUSSION ITEM

Sign Ordinance Appeal by Lamar Advertising to replace a billboard with a single electronic display board at the alley behind 1200 Winchester Avenue – Motion was made by Spriggs, seconded by Gunderson, granting the sign appeal. Upon roll call, voting aye were Commissioners Brown, Gunderson, Hogsten, Spriggs and Mayor Gilmore. Nay - none. Motion passed.

REGULAR MEETING FEBRUARY 15, 2007
APPOINTMENT

Motion was made by Gunderson, seconded by Spriggs, approving the Mayor's appointment of Howard Harrison to the Ashland Urban Renewal Board for the remainder of the term held by Randy Carpenter and expiring on November 4, 2009. Upon roll call, voting aye were Commissioners Brown, Gunderson, Hogsten, Spriggs and Mayor Gilmore. Nay - none. Motion passed.

RECESS

Mayor Gilmore declared the meeting recessed at 8:10 PM, in memory of former Police Sergeant Randy Bowling, until February 26, 2007 at 10:00 AM in the Conference Room.

STEPHEN E. GILMORE
MAYOR

ATTEST:

DEBORAH MUSSER
CITY CLERK